

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CHARLES CANE MERRIVAL, Defendant.	CR. 22-50006-JLV ORDER
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The court held *ex parte* hearings with Defendant Charles Merrival and his attorney following the conclusion of trial on September 13, 2023, on Mr. Merrival's motion for change of counsel. On September 14 an additional *ex parte* hearing was held before the commencement of trial. Following those *ex parte* hearings, the court held a hearing outside the presence of the jury with government counsel, defense counsel and Mr. Merrival during which the attorneys and Mr. Merrival stated their positions on the court declaring a mistrial without prejudice. Good cause appearing, it is

ORDERED that Attorney Stanton Anker is permitted to withdraw as counsel for the defendant. New counsel will be appointed by United States Magistrate Judge Daneta Wollmann.

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 26.3, the court orders a mistrial, without prejudice.

IT IS FURTHER ORDERED that the court finds "that the ends of justice served by taking [this] action outweighs the best interest of the public and the

defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). The factors supporting this decision are set forth in the record. Id. § 3161(h)(7)(B).

Dated September 15, 2023.

BY THE COURT:



JEFFREY L. VIKEN
UNITED STATES DISTRICT JUDGE